

REDACTED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

FILED

2019 NOV 20 PM 2: 20

UNITED STATES OF AMERICA

Cause No.:

v.

KIMBERLY CRUZ

INDICTMENT

[Vio: COUNT ONE: 18 U.S.C. § 1028
(a)(1), Possession of Identification
Document with Intent to Defraud the
United States; COUNT TWO: 18 U.S.C. §
1028 (a)(3), Possession of Identification
Document with Intent to Defraud the
United States; COUNT THREE: 18
U.S.C. § 1028A, Aggravated Identity
Theft; COUNT FOUR: 18 U.S.C. §
1546(a): Visa Fraud; COUNT FIVE –
SEVEN: 8 U.S.C. § 1324(a)(2)(b)(ii),
Bringing Aliens to the United States;
COUNT EIGHT: Title 18 U.S.C. §
1001(a)(2) - False Statement or
Representation Made to an Agency or
Department of the United States.]

THE GRAND JURY CHARGES:

DR 19 CR 2893 Am

COUNT ONE

[18 U.S.C. § 1028 (a)(1) & (f) & 18 U.S.C. § 2]

On or about between April 1, 2019 and October 29, 2019, in the Western District of Texas,
the Defendant,

KIMBERLY CRUZ,

did knowingly and without lawful authority produce and attempt to produce identification documents, to wit, I-94 – Visa Waiver Arrival/Departure Records, which were and appeared to have been issued by or under the authority of the United States, and the offense involved the production or transfer of an identification document, that appears to be an identification document issued by or under the authority of the United States, and the offense involved the production of

more than five identification documents, authentication features, or false identification documents in violation of Title 18, United States Code, Section 1028(a)(1) & (f) & Title 18 United States Code, Section § 2.

COUNT TWO
[18 U.S.C. § 1028 (a)(3) & (f)]

On or about between April 1, 2019 and October 29, 2019, in the Western District of Texas, the Defendant,

KIMBERLY CRUZ,

did knowingly possess and attempt to possess with intent to use unlawfully or transfer unlawfully five or more identification documents not issued lawfully for the use of the defendant, to wit, I-94 – Visa Waiver Arrival/Departure Records, the identification documents appeared to have been issued by or under the authority of the United States, and the offense involved the production or transfer of an identification document, that appears to be an identification document issued by or under the authority of the United States, and the offense involved the production of more than five identification documents in violation of Title 18, United States Code, Section 1028(a)(3) & (f).

COUNT THREE
[18 U.S.C. § 1028A(a)(1)]

On or about between April 1, 2019 and October 29, 2019, in the Western District of Texas, Defendant,

KIMBERLY CRUZ,

did knowingly transfer, possess, and use without lawful authority, a means of identification of another person during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), to wit 8 U.S.C. § 1324(a)(2)(b)(ii), 18 U.S.C. § 1028 (a)(1), 18 U.S.C. § 1028 (a)(3), and 18 U.S.C.

§ 1546(a) knowing that the means of identification belonged to another actual person, in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT FOUR
[18 U.S.C. § 1546(a)]

On or about between April 1, 2019 and October 29, 2019, in the Western District of Texas,
the Defendant,

KIMBERLY CRUZ,

did knowingly use, attempt to use, possess, obtain, accept, and receive, documents prescribed by statute and regulation for entry into and as evidence of an authorized stay and employment in the United States, that is I-94 – Visa Waiver Arrival/Departure Records which the defendant knew to be procured by means of a materially false claim and statement, otherwise procured by fraud, and otherwise unlawfully obtained in violation of Title 18, United States Code, Section 1546(a).

COUNT FIVE
[8 U.S.C. § 1324(a)(2)(b)(ii)]

That on or about between April 1, 2019 and October 29, 2019, in the Western District of Texas, Defendant,

KIMBERLY CRUZ,

knowing and in reckless disregard of the fact that an alien, namely, Ricardo Martinez Mendez, had not received prior official authorization to come to, enter and reside in the United States, did bring and attempted to bring to the United States said alien, for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii).

COUNT SIX
[8 U.S.C. § 1324(a)(2)(b)(ii)]

That on or about between April 1, 2019 and October 29, 2019, in the Western District of Texas, Defendant,

KIMBERLY CRUZ,

knowing and in reckless disregard of the fact that an alien, namely, Rosa Maria Ibarra Torres, had not received prior official authorization to come to, enter and reside in the United States, did bring and attempted to bring to the United States said alien, for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii).

COUNT SEVEN
[8 U.S.C. § 1324(a)(2)(b)(ii)]

That on or about between April 1, 2019 and October 29, 2019, in the Western District of Texas, Defendant,

KIMBERLY CRUZ,

knowing and in reckless disregard of the fact that an alien, namely, Esmeralda Sanchez Granado, had not received prior official authorization to come to, enter and reside in the United States, did bring and attempted to bring to the United States said alien, for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii).

COUNT EIGHT
[18 U.S.C. § 1001(a)(2)]

On or about October 29, 2019, in the Western District of Texas, Defendant,

KIMBERLY CRUZ,

did knowingly and willfully make and cause to be made materially false, fictitious, and fraudulent statements and representations to a Customs and Border Protection Officer, in a matter within the jurisdiction of an executive department or agency of the United States, that is, Defendant stated she was a Customs and Enforcement employee, and that she was present at the Port of Entry in Eagle Pass, Texas, to transport five aliens to the United States Citizenship and Immigration

Services office in San Antonio, Texas knowing such statements and representations to be false in order to avoid further inspection by United States Customs and Border Protection Officers of the five aliens, all in violation of Title 18, United States Code, Section 1001(a)(2).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE
[See Fed. R. Crim. P. 32.2]

I.

Fraud & Immigration Violations and Related Forfeiture Statute
[Title 18 U.S.C. §§ 1028 & 1546 and Title 8 U.S.C. § 1324,
subject to forfeiture pursuant to Title 18 U.S.C. § 982(a)(6)(A)]

As a result of the foregoing criminal violations set forth in Counts One, Two, and Four to Seven, the United States of America gives notice to the DEFENDANT of its intent to seek the forfeiture of property upon conviction and as part of sentencing pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 982(a)(6)(A) which states:

Title 18 U.S.C. § 982. Criminal Forfeiture

(a)(6)(A) The court, in imposing sentence on a person convicted of a violation of . . . section 274(a) . . . of the Immigration and Nationality Act . . . or section . . . 1546 of this title, or a violation of . . . section 1028 of this title if committed in connection with passport or visa issuance or use, shall order that the person forfeit to the United States, regardless of any provisions of State law—



(i) any conveyance, including any vessel, vehicle, or aircraft used in the commission of the offense of which the person is convicted; and

(ii) any property real or personal—

(I) that constitutes or derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense for which the person is convicted; or

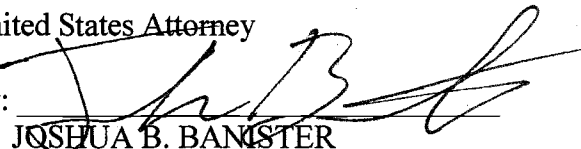
(II) that is used to facilitate, or is intended to be used to facilitate, the commission of the offense of which the person is convicted.

A TRUE BILL,
ORIGINAL SIGNATURE
REDACTED PURSUANT TO
E-GOVERNMENT ACT OF 2002
FOREPERSON



JOHN F. BASH
United States Attorney

By:


JOSHUA B. BANISTER
Assistant United States Attorney

SEALED:
UNSEALED: XX

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

COUNTY: MAVERICK

USAO #: 2019R21779

DATE: November 20, 2019

MAG. CT. #: DR19-9125M

AUSA: JOSHUA B. BANISTER

DEFENDANT: KIMBERLY CRUZ

DR 19 CR 2893

CITIZENSHIP: UNITED STATES

INTERPRETER NEEDED: NO

LANGUAGE: ENGLISH

DEFENSE ATTORNEY: RICARDO RAMOS

ADDRESS OF ATTORNEY: 931 WEBSTER STREET, EAGLE PASS, TEXAS 78852

DEFENDANT IS: ON BOND

DATE OF ARREST: OCTOBER 29, 2019

BENCH WARRANT NEEDED: NO

PROBATION OFFICER: N/A

NAME AND ADDRESS OF SURETY: N/A

YOUTH CORRECTIONS ACT APPLICABLE: NO

PROSECUTION BY: INDICTMENT

OFFENSE: (CODE & DESCRIPTION): COUNT ONE: 18 U.S.C. § 1028 (a)(1) – PRODUCTION OF IDENTIFICATION DOCUMENTS; COUNT TWO: 18 U.S.C. § 1028 (a)(3) – POSSESSION WITH INTENT TO TRANSFER FIVE OR MORE IDENTIFICATION DOCUMENTS; COUNTS THREE: § 1028A(1) – AGGRAVATED IDENTITY THEFT; COUNT FOUR: 18 U.S.C. § 1546(a) – VISA FRAUD; COUNTS FIVE – SEVEN: 8 U.S.C. § 1324(a)(2)(b)(ii) – BRINGING ALIENS TO THE UNITED STATES; COUNT EIGHT: 18 U.S.C. § 1001(a)(2) – FALSE STATEMENT OR REPRESENTATION MADE TO AN AGENCY OF THE UNITED STATES.

OFFENSE IS: FELONY

MAXIMUM SENTENCE: COUNTS ONE & TWO: 15 YEARS IMPRISONMENT, \$250,000 FINE, 3 YEARS OF SUPERVISED RELEASE, AND A \$100 SPECIAL ASSESSMENT; COUNT THREE: 2 YEARS IMPRISONMENT CONSECUTIVE TO UNDERLYING FELONY; A \$250,000 FINE COUNT FOUR: 10 YEARS IMPRISONMENT; A \$250,000 FINE; 3 YEARS OF SUPERVISED RELEASE; AND A \$100 SPECIAL ASSESSMENT; COUNT FIVE –

SEVEN: AT LEAST FIVE YEARS AND NOT MORE THAN 15 YEARS IMPRISONMENT; UP TO \$250,000 FINE; UP TO 3 YEARS OF SUPERVISED RELEASE; \$100 MANDATORY SPECIAL ASSESSMENT FOR EACH COUNT OF CONVICTION; \$5000 SPECIAL ASSESSMENT NON-INDIGENT; COUNT EIGHT: 5 YEARS IMPRISONMENT; \$250,000 FINE; 3 YEARS SUPERVISED RELEASE; \$100 SPECIAL ASSESSMENT.

PENALTY IS MANDATORY: YES & NO

REMARKS: SEE ABOVE

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